

REMARKS

Claims 17 – 26 are pending in the application. Claims 17 and 22 are independent claims. Claims 18-21 depend from claim 17 and claims 23-26 depend from claim 22.

Claims 18-21 and 23-26 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which applicant regards as the invention.

Claim 18-20 and 23-26 have been amended to correct the improper antecedent basis cited by the examiner.

Claims 17, 19, 22, 24 and 26 are rejected under 35 USC §103(a) as being unpatentable over US Published Patent Application No. 2003/0204711 A1 to Guess (hereinafter Guess), in view of US Published Patent Application No. 2005/0028165 A1 to McGowan (hereinafter McGowan).

This rejection is improper as it fails to present a prima facie case of obviousness.

Guess, US Published Patent Application No. 2003/0204711, teaches the use of on-board memory for storing firmware configuration data during a firmware update. Guess does not teach the use of any external devices or connections or a method for changing firmware without downloading software to the firmware device.

McGowan et al, US Published Patent Application No. 2005/0028165, teaches a method for preserving client changes to a configuration file for enterprise applications. McGowan discloses a method wherein a configuration file, for configuration of an enterprise application, is

stored on a client machine. The configuration file may then be edited by a user on the client machine to customize the application to the user's preferences. When a new configuration file is sent to the client machine, a preservation system is accessed to preserve the user's changes to the configuration file when a new configuration file is loaded. This preservation process modifies the new configuration file with the changes the user made to the old configuration file. In the methods of McGowan et al, the configuration files and enterprise applications are downloaded to the client device from a server over a network connection.

Woodard et al, US Patent Application No. 2002/0104080, teach a method of preserving operating system configuration parameters across systems or updates. This system works with full computer systems, such as those that use the Microsoft Windows operating systems, which have substantial system resources. This system will not work with many firmware devices that cannot accommodate additional software programs to effectuate the process. Woodard et al require the use of an SEIM, which is a program that is downloaded to the device (a computer) for determining configuration parameters.

It should be noted that both McGowan et al and Woodard et al do not teach methods that relate to firmware changes. McGowan et al and Woodard et al relate to operating system and application configurations, which are very different than firmware updates. The methods of McGowan et al and Woodard et al simply install modified files on a fully functioning computer system. Embodiments of the present invention, as described in the present claims, update the firmware of a computing device without using memory on the device and without loading a specialized program onto the firmware device. These embodiments are not taught in the cited references.

Independent claims 17 and 22 and all other claims dependent thereon comprise elements equivalent to:

- a) establishing a direct serial connection between a firmware device and a download computing device; and
- b) establishing a network connection between said download computing device, a web-based device administration utility on a web server and said firmware device.

The combination of Guess, McGowan et al and Woodard et al does not teach the elements listed above wherein a trio of devices is established with a direct serial connection between two devices and a network connection between all three devices and wherein updated firmware and firmware configuration data is transmitted between the devices.

Independent claims 17 and 22 and all other claims dependent thereon also comprise elements equivalent to:

- c) uploading firmware configuration data, over said network connection, from an existing firmware structure in said firmware device to said web server using said web-based administration utility, wherein said web-based administration utility performs said uploading by pulling data from said existing firmware structure without loading any software onto said firmware device;

The combination of Guess, McGowan et al and Woodard et al does not teach the element listed above wherein firmware configuration data is pulled from a firmware device using a web-based administration utility without loading software for performing this act onto the firmware

device. The method taught in Guess requires the use of specialized software downloaded to the firmware device. The method taught in McGowan requires software including a preservation system and a configuration system on the mobile device. The method taught in Woodard et al requires downloading SEIM software to the device for extracting configuration data. The embodiments of the present invention, as presently claimed, do not require downloading of specialized software to effect the functions of the invention. This is explicitly described in element c) of claim 17 and element f) of claim 22, which describe the equivalent of a “web-based administration utility performs said uploading by pulling data from said existing firmware structure *without loading any software onto said firmware device.*” Accordingly, this element is not taught in the cited combination of references.

Claims 18, 20, 23 and 25 are rejected under 35 USC §103(a) as being unpatentable over US Published Patent Application No. 2003/0204711 A1 to Guess (hereinafter Guess), in view of US Published Patent Application No. 2005/0028165 A1 to McGowan (hereinafter McGowan) and further in view of US Published Patent Application No. 2002/0104080 A1 to Woodard et al (hereinafter Woodard et al).

This rejection is improper as it fails to present a prima facie case of obviousness.

The rejected claims are dependent on claims 17 and 22. This rejection is improper for the reasons stated above in relation to claims 17 and 22.

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In light of the amendments and arguments presented above, the examiner is respectfully requested to withdraw these rejections and proceed with allowance of this application.

Respectfully submitted,

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